

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATIONAL A-1 ADVERTISING, INC.	:	
106 S. 7 th Street	:	
Philadelphia, PA 19106	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JOHN DOE a/k/a RICHARD MCCONNELL	:	No.
P.O. Box 55278	:	
Sherman Oaks, CA 91413-0278	:	
	:	
and	:	
	:	
ONLINENIC, INC.	:	
351 Embarcadero	:	
Oakland, CA 94606-5115	:	
	:	
and	:	
	:	
PERRY J. NARANCIC	:	
351 Embarcadero	:	
Oakland, CA 94606-5115	:	
	:	
and	:	
	:	
REX W. LIU	:	
351 Embarcadero	:	
Oakland, CA 94606-5115	:	
	:	
Defendants.	:	

NOTICE OF REMOVAL

Defendant, OnlineNIC, Inc. ("OnlineNIC") hereby gives notice of removal of this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof avers as follows:

1. Plaintiff, National A-1 Advertising, Inc. ("Plaintiff"), commenced this action by filing a Praecipe for Writ of Summons in the Court of Common Pleas of Philadelphia County (the "Philadelphia CCP") on April 25, 2011, docketed at April Term, No. 2734, against Defendant John Doe, a/k/a Richard McConnell ("Doe").

2. On April 26, 2011, Plaintiff filed an emergency, ex-parte Motion for Preliminary Injunction Freezing Funds on Deposit at Wells Fargo Bank (the "Motion").

3. By an Order dated April 26, 2011 (the "April 26th Order"), the Philadelphia CCP granted Plaintiff's Motion, and ordered that Wells Fargo Bank not permit any withdrawal from the account referenced in Plaintiff's Motion.

4. On May 20, 2011, the Philadelphia CCP entered a Stipulated Order (the "May 20th Order"), which (1) allowed OnlineNIC to intervene as a Defendant in the action; (2) ordered Wells Fargo Bank to transfer \$75,000.00 from the frozen account to an escrow account belonging to OnlineNIC's undersigned counsel, and release the remaining funds in the frozen account; (3) ordered OnlineNIC's undersigned counsel to deposit said \$75,000.00 with the Philadelphia CCP, to be held in escrow by the Philadelphia CCP pending the resolution of the action.

5. On May 23, 2011, OnlineNIC filed a Praecipe for Rule to File Complaint, and the Prothonotary of the Philadelphia CCP entered a Rule to File Complaint, directing Plaintiff to file a complaint within twenty (20) days or suffer the entry of a Judgment of Non Pros.

6. On June 16, 2011, Plaintiff filed a Motion to Compel Compliance with Subpoena (the "Motion to Compel"), directed to Wells Fargo Bank.

7. On June 23, 2011, Plaintiff filed a Complaint (the "Complaint") against Defendants Doe, OnlineNIC, Perry J. Narancic ("Narancic") and Rex W. Liu ("Liu"), alleging counts for fraud, conversion, and civil conspiracy against all Defendants, for breach of contract against Doe, and for constructive trust against OnlineNIC.

8. OnlineNIC was served with the Complaint on or about June 23, 2011.

9. This matter is removable pursuant to 28 U.S.C. § 1441(a), as this Court would have original jurisdiction pursuant to 28 U.S.C. § 1332(a), in that complete

diversity of citizenship exists, as Plaintiff is a Delaware corporation with a principal place of business located in Philadelphia, Pennsylvania, OnlineNIC is a California corporation, and Defendants Doe (a/k/a McConnell), Narancic and Liu are domiciliaries of California, and the matter in controversy exceeds \$75,000.00.¹


10. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, papers and orders filed under this caption in the Court of Common Pleas of Philadelphia County are attached hereto as Exhibit "A."

11. Written notice of this notice of removal will be made contemporaneously with filing to all adverse parties and a copy of this notice will be filed with the Court of Common Pleas of Philadelphia County in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Defendant, OnlineNIC, Inc. respectfully requests that the above-referenced action be removed to this Court, and that the Court of Common Pleas of Philadelphia County proceed no further unless or until this matter is remanded.

DEEB PETRAKIS BLUM & MURPHY, P.C.

Dated: 28 JUN 11

By: 
ADAM S. BARRIST
DAVID P. DEAN
1601 Market Street, Suite 2600
Philadelphia, PA 19103
Attorney ID Nos: 88645 / 210044
215-563-0500
215-563-5532-fax
abarrist@dpattorneys.com;
ddean@dpattorneys.com
Attorneys for Defendants

¹ In addition to amounts sought by Plaintiff, which Defendant, OnlineNIC specifically disputes, Defendant, OnlineNIC will be pursuing a counterclaim, in which damages well in excess of \$75,000.00 will be sought.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATIONAL A-1 ADVERTISING, INC.	:	
106 S. 7 th Street	:	
Philadelphia, PA 19106	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JOHN DOE a/k/a RICHARD MCCONNELL	:	No.
P.O. Box 55278	:	
Sherman Oaks, CA 91413-0278	:	
	:	
and	:	
	:	
ONLINENIC, INC.	:	
351 Embarcadero	:	
Oakland, CA 94606-5115	:	
	:	
and	:	
	:	
PERRY J. NARANCIC	:	
351 Embarcadero	:	
Oakland, CA 94606-5115	:	
	:	
and	:	
	:	
REX W. LIU	:	
351 Embarcadero	:	
Oakland, CA 94606-5115	:	
	:	
Defendants.	:	

CERTIFICATE OF MAILING

I hereby certify that on June 28, 2011, I caused to be served the Notice of Removal on the following person(s) in the manner indicated below at the following address(es):

via Court's electronic filing service:

Andrew L. Miller, Esquire
Andrew L. Miller & Associates, PC
15 S. Asaphs Road
Bala Cynwyd, PA 19004

via first class mail:

John Doe a/k/a Richard McConnell
P.O. Box 55278
Sherman Oaks, CA 91413-0278

Perry J. Narancic, Esquire
351 Embarcadero
Oakland, CA 94606-5115

Rex W. Liu
351 Embarcadero
Oakland, CA 94606-5115

DEEB, PETRAKIS, BLUM & MURPHY, P.C.

BY: /s/ Adam S. Barrist
ADAM S. BARRIST
DAVID P. DEAN

Dated: June 28, 2011

Attorneys for Defendant, OnlineNIC, Inc.